

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH SAM,

Defendant.

CASE NO. CR19-0115-JCC-2

ORDER

This matter comes before the Court *sua sponte*. On February 5, 2021, the Court continued the trial until May 17, 2021. (Dkt. No. 107). As it has for the past several months, the COVID-19 pandemic continues to impact the Court's operations. (*See* W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) Although the availability of a vaccine makes it likely that the Court will be able to resume in-person criminal trials in May 2021, the Court will continue to be limited by public health measures, such as limits on the number of people in the courthouse and courtrooms, which are likely to limit the Court's ability to try cases as efficiently as it would absent a pandemic. (*See* W.D. Wash. General Order 04-21 at 2.) Accordingly, the Court FINDS

1 that the ends of justice served by granting a continuance outweigh the best interests of Mr. Sam
2 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 3 1. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
4 spectrum of jurors to represent a fair cross section of the community, which would
5 likely make proceeding with an earlier trial impossible or would result in a
6 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 7 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
8 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
9 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C.
10 § 3161(h)(7)(B)(i).

11 In addition, the Court GRANTS Mr. Sam's request for an evidentiary hearing on his
12 motion to suppress (Dkt. No. 55) and will hold the hearing on Thursday, June 3, 2021.

13 For the foregoing reasons, the Court ORDERS:

- 14 1. The May 17, 2021 jury trial is CONTINUED until June 7, 2021 at 9:30 a.m.
- 15 2. The period from April 30, 2020 until June 7, 2021 is an excludable time period under
16 18 U.S.C. § 3161(h)(7)(A) for the reasons stated above.
- 17 3. The period from March 13, 2020 until June 3, 2021 is an excludable time period
18 under 18 U.S.C. § 3161(h)(1)(D).

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20 DATED this 29th day of March 2021.

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24 John C. Coughenour
25 UNITED STATES DISTRICT JUDGE
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